

FIRST REGULAR SESSION

# HOUSE BILL NO. 485

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES HINSON (Sponsor), MUNTZEL, WOOD, WALKER, KRATKY,  
ROORDA AND RIDDLE (Co-sponsors).

1082L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 571, RSMo, by adding thereto one new section relating to the offense of unlawful possession or use of a firearm during the commission of a felony, with a penalty provision.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 571, RSMo, is amended by adding thereto one new section, to be  
2 known as section 571.018, to read as follows:

**571.018. 1. Any person who has been found guilty or pleaded guilty or nolo  
2 contendere to a prior felony offense and who commits a subsequent felony offense,  
3 regardless of whether use of a firearm is an element of the subsequent felony offense, and  
4 during the commission of such felony offense the person possesses, displays, brandishes,  
5 threatens to use, attempts to use, or discharges any firearm is guilty of the offense of  
6 unlawful possession or use of a firearm during the commission of a felony. Such offense  
7 shall be in addition to and not in lieu of any underlying felony offense or any other offense  
8 for which such person may be charged and found guilty of or plead guilty or nolo  
9 contendere to.**

10 **2. Any person who violates the provisions of this section shall be subject to the**  
11 **following terms of imprisonment:**

12 **(1) For possession of a firearm during the commission of a felony, a term of**  
13 **imprisonment of ten years;**

14 **(2) For displaying, brandishing, threatening to use, or attempting to use a firearm**  
15 **during the commission of a felony, a term of imprisonment of twenty years; and**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16           (3) For discharging a firearm during the commission of a felony, a term of  
17 imprisonment of life.

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19 The terms of imprisonment in this subsection shall be imposed consecutively to any other  
20 terms of imprisonment imposed for any other felony offense.

21           3. For purposes of this section, the following terms shall mean:

22           (1) "Firearm", any weapon that is designed or adapted to expel a projectile by the  
23 action of an explosion;

24           (2) "Possession", with respect to a firearm, carrying it on the person. Possession  
25 may also be established by demonstrating that the person had a firearm within immediate  
26 physical reach with ready access and the intent to use the firearm during the commission  
27 of a felony.

28           4. This section shall not apply to law enforcement officers or United States military  
29 personnel who are performing their lawful duties or who are traveling to or from their  
30 places of employment or assignment to perform their lawful duties.

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